

ORDINANCE NO. 08-63

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 10 ENTITLED "ANIMALS" OF THE CODE OF ORDINANCES AND IN PARTICULAR, REVISING HIALEAH CODE § 10-2 ENTITLED "PROHIBITIONS" TO INCLUDE A PROHIBITION AGAINST ANIMAL CRUELTY AND DEFINING CONDUCT CONSIDERED CRUEL OR INHUMANE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is in the best interest of the health, safety and general welfare of the community and the residents of the City of Hialeah to reinforce values for protecting nature and preserving life by denouncing conduct unbecoming of a civil society; and

WHEREAS, being cognizant of the Constitutionally protected right to the free exercise of religion and the protection this right affords to ritual slaughter, it is the express purpose and intent of this ordinance to promote animal safety and prevent abuse and cruelty to animals and not to prohibit, abridge, or hinder the religious freedoms of any person or group.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: Chapter 10 entitled "Animals" of the Code of Ordinances of the City of Hialeah, Florida, is hereby amended to read as follows:

Chapter 10

ANIMALS

*

*

*

Sec. 10-2. Prohibitions.

(a) It shall be unlawful for any person to harbor, maintain, control, as defined by F.S. §828.27(1)(c), or keep

any livestock or wild, dangerous, undomesticated or vicious animals in the city.

(b) It is unlawful for any person to own or harbor any animal for the purpose of fighting or to train, torment, badger, bait or use any animal for the purpose of causing or encouraging the animal to unprovoked attacks upon ~~human beings or domestic animals~~ other animals or human beings.

(c) It is unlawful for the owner or person having custody or control of any animal to permit the animal to be at large within the city.

(d) It is unlawful for any animal owner to permit any animal in the city to cause annoyance, alarm or otherwise unreasonably disturb others by habitually howling, yelping whining, barking, screeching, braying or making other noises.

(e) It is unlawful for any person to engage in or cause another to engage in any conduct deemed cruel or inhumane to animals. "Cruel or inhumane" shall include all acts set forth in F. S. §§ 828.12, 828.24, and 828.27(1)(d), from time to time, excluding ritual slaughter allowed by the State Humane Slaughter Act, as well as any of the following acts:

(1) Abandonment of an animal in the person's custody or control for a period exceeding 24 hours without providing food, water, ventilation, proper shelter and protection from the weather, or necessary veterinary care to an animal that the person reasonably knows to be maimed, sick, infirm or diseased;

(2) Leaving an animal unattended in a parked vehicle with inadequate or no ventilation; or

(3) Improper confinement or tethering resulting in injury, strangulation or entanglement.

*

*

*

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty described above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Inclusion in Code.

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered, as appropriate, to conform to the uniform numbering system of the Code.

Section 5: Severability Clause.

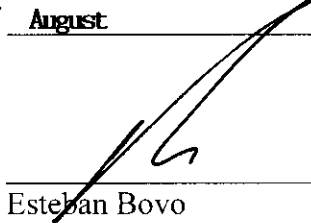
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED AND ADOPTED this 26th day of August, 2008.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



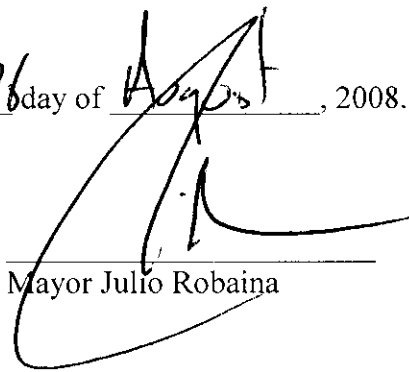
Esteban Bovo
Council President

Attest:

Approved on this 26 day of August, 2008.




Rafael E. Granado, City Clerk



Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

~~Strikethrough indicates deletion.~~ Underline indicates addition.

SALE\LEGISLATION\2008-ORDINANCES\chapter10animals-cruelty.v2

Ordinance was adopted by a unanimous vote with Councilmembers Bovo, Caragol, Casals-Muñoz, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes".